Social Service Series

Ethical and Religious Significance of the State

Dealey

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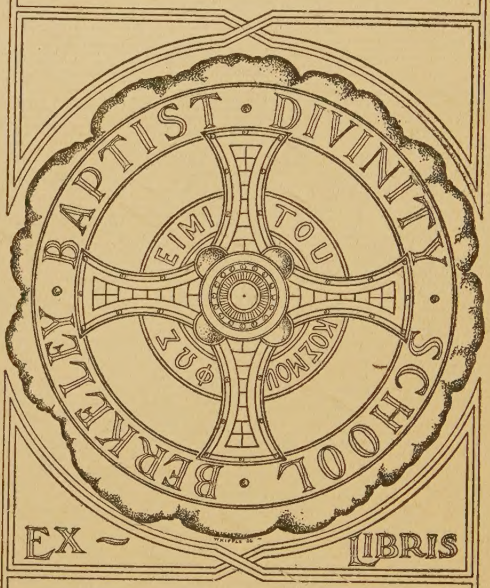

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Ethical and Religious Significance of the State

By

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2001

ETHICAL AND RELIGIOUS SIGNIFICANCE OF THE STATE

INTRODUCTION

In this age of social theories and altruistic movements, when the clash of world religions in the Orient finds its complement in the movement toward federation and unification among Christian bodies in the Occident, a new significance attaches to the relations existing between the State and ethics and religion. There is no longer a tendency, as in periods of controversy and partisan bitterness, to denounce on the one hand the State as a godless institution, nor on the other to speak of the Church as a hindrance to civilization. Most persons rather are ready to admit that Church and State are both fundamentally intent on public welfare, even though at times they have through ignorance belied their mission and committed acts of injustice and cruelty.

Admitting, then, as all must, that the noble and inspiring ideals of life and conduct should dominate men's hearts and determine their activities, it seems rather natural to conclude that the State, as the agency through which so many social demands are voiced, should see to it that its citizens be trained in

morality and religion. The State, with its interest in the promotion of general welfare and its apparently limitless power of taxation, seems to be the proper agency through which social reformers of all sorts may crystallize their desires in some legislative fiat, and accomplish their aims through the elaborate machinery and authority of government. It seems like an easy task to maintain that the State can engage in no more worthy activity for the benefit of its citizens than to use its supreme authority in order to develop in the hearts and minds of the people such uplifting ideals and such stimulating teachings, as would tend to spiritualize human conduct and to minimize the influence of a radically materialistic economic system. It is not strange, therefore, that enthusiastic reformers in their zeal for social perfection, at times go far afield in their advocacy of moral and religious betterment through the State. They would even, as "Christian Socialists," strive eagerly for a coming millennium when the State, having nationalized all capital and means of production, would devote its immense energy to the moralizing and Christianizing of social life and thus usher in an era of peace and good-will. Yet socialism, even in its Christian form, seems to many to be a visionary and somewhat remote possibility, that for the present might better be wrapped in lavender and stored away with other Utopias for the consideration of later generations.

With all our implicit confidence in democracy and in the benevolent intentions of modern government,

it hardly seems likely that the men of this century would be willing to entrust such enormous powers to the State even though labeled and branded as a Christian form of government. In the fourth century St. Augustine, in his *De Civitate Dei,* argued for the organization of a great world-State, that would reproduce on earth a miniature of the heavenly kingdom by combining Church and State into a holy unity animated by Christian principles of justice. Since his day many other Utopians have worked out ideal schemes of social reorganization to be attained by the joint co-operation of Church and State, and have presented a beautiful picture of a very heaven on earth. Yet experiments based on St. Augustine's noble dream can be traced in the rival aspirations of the papacy, and of the Holy Roman empire established by Charlemagne and ended by Napoleon. Since that great object-lesson of an imperialism, based on Christianity, Western civilization has been somewhat chary of plans that identify too closely the spheres of Church and State; and preferably inclines more and more toward the historic position of the Baptist body, which maintains that these institutions should remain separate in organization and function, and that neither should dictate terms and conditions to the other.

Yet this belief in the separation of Church and State by no means represents the dominant world view, for historically speaking these two institutions have regularly been united, and most States even to this day maintain a close connection with the

Church, and deem the furtherance of the interests of a State religion to be a legitimate part of political activity. There must be some good reason for this, and presumably under certain conditions it is doubtless socially more advantageous that Church and State be united than separate. There is, in fact, probably no principle in any human policy universally true for all times and places, not even the principle of democracy or the separation of Church and State, and it is the part of wisdom for thinkers to decide when they should throw the weight of their influence to the one side or to the other, now favoring aristocracy and then democracy; arguing for centralization of governmental powers at one time or again for decentralization; or favoring now a close union of Church and State, and in another age a wide separation between them with a corresponding differentiation of functions and organization. What, therefore, should in these days be the relation of Church and State, and what should be the State's attitude toward ethics are certainly important questions.

1. Explanation of terms and relationship.

In order properly to comprehend just what is meant by the subject under discussion it is essential that we have a clear explanation of the sense in which the terms ethics, religion, and the State will be employed, and also, of the historic connection of these three great departments of human activity, the

one with the other. In the beginnings of human society these were not really separated in thought. Groups of human beings, who were united together through language, kinship, and economic interests, slowly developed customs which in popular estimation were supposed to conduce to racial safety. We, analyzing these at this day, readily see that some of them fundamentally affected family organization, and others in kind were economic, religious, or political; but primitive man made no such distinctions and enforced indifferently through the pressure of public opinion whatever customs on the whole tended to maintain and strengthen the integrity of the social organization in its activities. Yet, in the process of time, special institutions developed, each enforcing a particular set of customs or morals, so that we find, for instance, the family emphasizing customs in respect to kinship and inheritance; an ecclesiastical and sacerdotal organization emphasizing such customs and teachings as were involved in human relationship with the supernatural; and a political organization emphasizing in the main the protection of life and property. Still, for a long time, these institutions were not really separate in the modern sense of the term. The social organization was at once a family, a church, a body of industrial workers, and a government, and the same rulers or elders guided and supervised the whole of social life. As social organization however became more complex through the growth of population and social achievement, these several institutions differ-

entiated more and more until they stand out clearly, each by itself, so that we can trace as in Greek and Roman civilizations the great types of social institutions known in that age, and may furthermore find, as in Greek philosophical writings, specialized discussions on the State, on ethics, and on economics, religion, and family relationships.

Developing as all these organizations have done from a common source, the original social group or groups with their customs or morals, it is easy to see that there is an inherent relationship existing between ethics, religion, and the State, and that each has a profound significance for the others, and depends for its development on their welfare. Of course, it is well known that this inherent relationship and identity of interests has not been manifested in some periods of history. Political and ecclesiastical activity has often seemed far from ethical, and Church and State have not infrequently seemed inimical one to the other; but these are temporary conditions due to defective governments and perverted sacerdotal organizations, and antagonisms of that sort will probably decrease in number and importance with the passing centuries.

2. The ethical aspect of religion.

This inherent relationship between ethics, religion, and the State, can be more clearly understood by a brief résumé of the historical development of ethics. As already noted, social groups in early

civilization developed a great mass of customary rules or morals, compliance with which tended to secure happiness and safety for both the individual and society. When there came a belief in the supernatural and in a life after death, the old notion of morals was simply enlarged so as to include within its sphere the spiritual world also, and thus men had rules not merely for guidance and safety in social life, but rules and regulations covering human intercourse with the supernatural. In this manner it became possible for a person by obedience to social morals and religious requirements, to feel reasonably safe in this world and the next. From this standpoint it would be entirely feasible to consider religion simply as an extension of ethics, by emphasizing in the first place ethics as socially approved rules of conduct holding between men and men; and in the second place, as divinely approved rules of conduct holding between men and Divinity. Obedience in the first case results in social approbation and safety; in the second case, in Divine approval and religious safety.

As long, therefore, as social and religious morals or ethical requirements are in harmony, there is no essential reason for any discord between Church and State. Heavenly life is but a continuation of social life, and death is but a sleep, from which one awakens into another world in which he continues practically the same existence, but on a higher or lower plane, according to his conduct on earth. This notion is readily traced in the celestial para-

dises of Greek, Roman, Scandinavian, and Mohammedan religions; in the Oriental theory of the transmigration of souls, and in such Christian speculations in respect to the other world as may be found in the teachings of Dante, Milton, and Swedenborg.

3. Conventional morals.

There is essentially the same harmony of social opinion to-day in respect to a large part of the field covered by morals. Public opinion the world over, entirely apart from religious sanction, is fully agreed that certain actions are good and worthy of approval, and others are socially vicious and deserve punishment. Society as a whole has its conventional morals, and regularly frowns on such offenses, *e. g.*, as theft, swindling, adultery, and murder. In fact, the great mass of the activities of our daily life, as Prof. E. A. Ross has so excellently shown in his "Social Control," is subject to moral regulation through numerous social agencies. This system is the result of centuries of human experience, and contains the embodied practical wisdom of thousands of human generations. Because of this fact Roman jurists using the *jus gentium,* or common law of all civilizations, were able to work out those great principles of natural equity and justice, which still underlie the legal systems of modern civilization.

In the main, therefore, it makes small difference whether there is or is not any formal instruction

in such morals by either State or Church. In the family, on the playground, in school, or business, wherever a person moves in social life he is constantly reminded that there are certain rules of conduct he must observe or run the risk of social disapprobation, ostracism, or even severe punishment. These morals are learned by social imitation through daily experience, and practically all persons under normal conditions are able and willing to comply with such social demands.

Many of these requirements are comparatively unimportant, such *e. g.*, as the rules for etiquette, and they are obeyed by persons of good morals and taste without the necessity of special agencies for enforcement. Others again may be considered as chiefly within the province of a particular institution and are enforced by it, such as the moral training enforced by parents in domestic life, or the moral code emphasized by business institutions, or the morals taught by a church, or enforced by the authorities of a school. Other aspects of morals, especially those affecting life and property are considered as falling within the jurisdiction of the State, and may be found embodied in criminal and civil law. There is, of course, a certain amount of latitude permissible in social regulation and enforcement. Few persons, if any, comply strictly and always with the requirements of social morality in any department of life; all are *sinners* in that they violate with more or less frequency injunctions of parent, teacher, or employer, or the moral codes of

Church and State. For this reason we, realizing our common frailty, readily condone some violations of morals, such as a certain amount of petty lying, deceit, and slight infractions of personal or property rights. As a rule those violations only are frowned on that seem to threaten social stability and safety, so that by mutual forbearance and voluntary blindness to small offenses society manages to slip along with comparatively little friction.

4. The State has control over conventional morals.

Over this entire mass of social or conventional morals the State has supervisory jurisdiction and does not hesitate if necessary to assert its authority. If immoral conditions develop in family life, or if parental or conjugal authority is exercised in a cruel and vicious manner, the State may interfere by punishment or fine, or by removing children from parents, or by separating a wife from her husband through the process of divorce. If business morality becomes so low as to prove injurious to public interests, the State may interfere and lay down higher codes of conduct so as to eliminate the grosser forms of swindling, gambling, adulteration, and deception. Or, if some religious organization should teach as part of its religious system a morality supposedly inimical to public welfare, such as human sacrifice, polygamy, or free love, the State again may voice its objection and insist that the religious body conform to the generally accepted

types of social morality. In this field of ethics, the customary morals of society, practised and indorsed on the whole by the entire body of citizens, the significance of the State is manifest. Through its lawmaking bodies it defines its attitude by forbidding whatever actions are generally admitted to be evil, and through its executive and judicial departments it enforces its decision. If these governmental departments truly represent popular will, and if the machinery of government works expeditiously and impartially, there develops a respect for law and a willing obedience to its mandates. If, on the other hand, public opinion is not fairly expressed through its government and if injustice and partiality characterize its dealings with citizens, discontent and lawlessness are inevitable. Under such conditions social energy must necessarily devote itself to the devising of improvements in governmental organization, law, and procedure, in order to adjust these so as to satisfy the demands of general morality; for though injustice breeds anarchy, nothing on the other hand makes a State so stable as a conviction on the part of the average man that in his ordinary life he is under a just and impartial government.

5. Rivalry in the field of ethical ideals.

Yet over and beyond this mass of moral conventionality is another aspect of ethics far more important from the standpoint of higher civilization.

It is that great field of ethical ideals, which, carefully elaborated by priest, philosopher, scientist, and statesman, are proclaimed as the final standards for moral judgments, and the goal for human attainment. Now, as long as all interests in society work together harmoniously for common ends under a common environment, ethical ideals are uniform, and no discord mars social philosophizing; but when religious speculation passed into the hands of a meditative priestly class, and the State into the control of the warrior and the merchant, and alongside of these developed the scientist and the philosopher seeking natural explanations of the world about them, inevitably there slowly came an ever-widening chasm between the ethical teachings of these great classes of leaders. The priestly class, devoting itself chiefly to meditation on the supernatural and the transcendental, developed an altogether different ethical theory from those worked out by practical men of affairs busily engaged in schemes of national aggrandizement or by learned philosophers who speculated on the mysteries of natural law and the workings of the human mind. From the time, therefore, when the growing complexity of knowledge compelled specialization, so that the thought of the age was contributed by different classes of thinkers, inevitably the interests and teachings of these classes began to conflict. They conflicted in standards, and in the methods whereby these might be attained, and they were often vigorously antagonistic in respect to the standards recommended for use in moral

relations. This conflict is manifest even under present conditions. Religion may lay emphasis on the heavenly life, on spiritual treasures, on meekness, peace, and human fraternity, on the spiritual supremacy of religion over politics, and on the divinity inherent in the church and in its priesthood and sacred writings. But the State may prefer to lay emphasis on this life, on the pursuit of wealth, on the supremacy of law over individual consciences, and on a patriotism that would carry its citizens into a policy of national aggrandizement, right or wrong. Scientific and philosophic thinkers, on the other hand, may prefer to discard theories of special revelation, and to devote their energy to the study of nature's laws, emphasizing the importance of material and intellectual achievement as the highest aims for humanity.

Treasures in heaven are balanced against amassed wealth, the inner voice of conscience against the voice of the people, a " thus saith the Lord " against a legal command, or a law of nature; education through the church is arrayed against secular education, the authority of the clergy against the authority of the magistrate or the scientist, infallible dogmas, absolute truths, and inspired Bibles against scientific hypotheses, relative knowledge, and the dictates of philosophic reasoning. Each school of thought is confident of the superiority of its own ideal, and feels aggrieved that the others will not assent to its conclusions and follow out its suggested methods for progressive ethical development. Evidently as

long as the world of ethical standards is rent by such conflicting ideals the average man can form no intelligent opinion, but must take sides as a partisan in whatever direction his inclinations and interests lead. The natural outcome of such rivalry is either a bitter struggle for supremacy, or an attempt to agree on fundamentals, and the adoption of a policy of mutual toleration in points of differences which shall produce substantially a unity.

6. The differentiation of these separate interests.

Historically speaking philosophy and science were for many ages subordinated to and dominated by the Church, so that the real antagonism lay between this institution and the State, each of which strove for supremacy over the other. History is filled with the accounts of the long struggle between these two rivals. In Western civilization at least, the victory ultimately went to the State, which now by legal theory has supremacy within the nation and dictates terms to the Church. This change of conditions enabled science and philosophy to declare their independence from sacerdotal control, and to ally themselves with the State, thereby enabling it to enlarge its importance by utilizing these branches of knowledge in education and in applications of scientific discoveries and invention to economic and industrial life.

Admitting, therefore, as one must, the supremacy of the State over the Church in these days,

what should be the inner relations of higher ethics, to Church and State? When the Church pleads its divine authority and the perfection of its teachings, should the State forget past experience, abandon its own ideals of national greatness, and devote its energy to the furtherance of ethics as taught by religion? Or should science and philosophy return to their former bondage when "handmaids to religion," and meekly surrender "modernism" at the demand of theologians? Or should the Church acknowledge its subordination to the State, and ignoring its own standards become a mouthpiece for political policies? Or should it at the dictation of science abandon its spiritual teachings and base itself on a materialistic philosophy? Or should all of these institutions adopt a policy of expediency and forsaking ideals drift aimlessly about blown from fad to fad by the prevailing breath of popular opinion? Obviously no one of these suggestions is justifiable. Each institution rightly should emphasize without rancor its theory of ethical development, arguing for it and testing its validity by every possible method. Inevitably in due process of time opposing forces balance and furnish a resultant force, which combines in itself the most powerful energies of its component parts. The dominant element will give body and tone to the others, but will itself be affected and modified by them in proportion to the truth and wisdom they contain. Until this harmony takes place, if in a given society these sets of ideals are clearly opposed one to the other, some system of

separation must develop, or else one set be permitted to dominate over the others.

In illustration of one aspect of these alternatives, we may reverse Plato's famous maxim,[1] and say that "an individual is society writ small." An individual, for instance, under the dominance of religious ideals, may subordinate to these his patriotism and his intellectuality; or as a politician he may neglect his religious standards, or as a thinker he may allow his spiritual nature to atrophy and his civic devotion to diffuse itself into a nebulous cosmopolitanism. Or he may artificially separate his standards, by being religious in his ethics on Sunday and following more convenient standards in business and politics on other days. On the other hand, he may seriously try to amalgamate supernaturalism and transcendentalism with materialism, so as to get a composite containing the essentials of all, each aspect of life clearly present and differentiated, yet all united in fundamentals through their common elements.

Social history furnishes many examples of such solutions in respect to the rivalry of ethical standards. In a theocracy religious ideals dominate political teachings; but by contrast a State may dominate its national Church, or either of these institutions may subordinate science and philosophy to theology or to political policy.

The modern movement, however, is not so much in the direction of real subordination as in the

[1] "Society is the individual writ large."

direction of differentiation. Three well-defined stages mark this development in modern times. Taking the relation of Church and State as typical, the Church seeks—first, to have an income independent of the State through voluntary offerings or endowments, so as to be free from domination by its control over its own finances; in the second place, it seeks the right to name and select its own officers and leaders, without dictation from the State; and in the third place, it seeks the right to formulate its own religious belief through the elaboration of creed and dogma.

In the United States these three points have been won, and typify a system in which Church and State are called separate: each Church or denomination must finance its own expenses without subsidies from the State, it has the right to choose its own clergy and officers without dictation from the State, and it may in convention modify its creeds and teachings without interference. The State also, through taxation, supports itself, elects its officials irrespective of religious affiliations, and formulates its policy without any legal coercion from religious bodies.

Institutions for higher education, as the chief agencies for science and philosophy, are also moving in the same general direction. Private universities through endowments and tuition fees, and State universities, by a general tax rate, are seeking to attain substantial financial independence; and furthermore, to have the right to name their own

faculties and officers, irrespective of political or religious influence, and the right to announce their scientific and philosophic conclusions regardless of antagonisms aroused in governmental, economic, or religious circles. The attainment of a practical separation or differentiation is marked as a rule by a full right of free speech, a free platform, and a free press; but this right is abortive unless the three stages of freedom precede, including economic independence as an essential condition, since the power that "controls the purse" is regularly the final authority in all social institutions.

From this standpoint even an exemption from taxation by law of ecclesiastical property, by increasing the relative taxation of other forms of property, is in effect a tax on these for the support of religion. It is a tacit indorsement on the part of the State of religious institutions, and in effect is a State subsidy which under certain conditions might have a benumbing effect on the full expression of religious freedom. The income which the State could derive from the taxation of such forms of property might be devoted to purposes of social betterment without serious injury to religion, and the historic danger of the "dead hand"[1] would thereby be banished as a legal possibility. The legal justification, of course, for a policy of exemption, must be based on the police powers of the State, and its right to take such action as may strengthen

[1] Mortmain. The possession of lands or other property by a hand (such as an ecclesiastical corporation) unable or unlikely to alienate them.

private agencies of morality within the nation. The repeal of such exemption clauses would be so radical a departure from historic precedent, that there is no likelihood of its taking place, as long as mutual friendliness and ethical vigor characterize these institutions.

7. *The principle underlying the separation of Church and State.*

With such explanations as a guide it would be possible to follow the respective careers of Church and State, and explain why in one age they unite issues, and in another age separate peaceably or in discord. In general, we may say that if the organization and teachings of a church are those of a static civilization, and accepted by all the members of a society without question, there can be no inherent reason why Church and State should not be organized in unison, since both have common aims. But whenever Church and State are fundamentally opposed in policy, there will surely be a struggle for supremacy which may end in a theocracy on the one hand, or in a nationalized Church subordinated to the State and harmonized fundamentally in policy. If, however, in this last case through changing social conditions and wider knowledge new religious organizations arise, advocating other aims and asserting a deeper insight into the spiritual meaning of life, then it becomes the part of wisdom for the State to refrain from suppression and persecution, and to

develop a policy of toleration toward the newer organizations, while still maintaining perhaps its connection with the established Church. Should the newer bodies become powerful through numbers, wealth, or intelligence, the State may endeavor impartially to treat all alike, or it may free itself from any special connection whatsoever, and merely maintain its general supervisory authority over the churches as bodies corporate having a legal status in respect to property rights. This policy of separation is inevitable when, as in the United States, no one religious body is supreme. Wide differences in doctrine and organization forbid under a democratic government that advantages be given to any religious body that others may not enjoy, and furthermore necessitate a broad tolerance of religious belief, since no religious organization is able to dictate by law to the others. It is not at all probable that religious and denominational differences among men will disappear for many ages, and in the future theological discord will likely disturb the unanimity of belief that at present permits the existence of State Churches in some countries. As States one by one withdraw from a legal connection with religion, they must inevitably adopt the principle of religious freedom, and guarantee to each of its citizens the right to follow the dictates of his own conscience in respect to matters of religious belief. Churches on their part must admit the possibility that ethical theories different from their own may conscientiously be held, and should show

the same tolerance to these that they consider their due from the State, trusting that riper thought and wiser conclusions will in due time harmonize conflicting ideals.

This historic relationship of Church and State may also be stated somewhat differently, by asserting that whenever society is fixed, stationary, or static, a union of Church and State is natural enough, but that whenever society is in movement, and progressive or dynamic in type, the State should develop a policy of toleration and separation so as to allow progress and growth. But in the light of experience Church and State, when united, tend to suppress by persecution religious innovations, and thus retard religious betterment. Furthermore, believing, as we do, in these later days, that constant progress is a social possibility, it seems wiser in consequence to argue that Church and State should in general be kept separate, so as to avoid any danger of political interference with religious freedom. As long, therefore, as society is progressive, and as long as there is a suspicion that a union of Church and State might result in the suppression of innovations, it seems a wiser policy to argue for a separation of Church and State; a separation, however, not founded on antagonism, but on a conviction that each can better accomplish its purposes when untrammeled by material bonds. Governmental and ecclesiastical organizations at the best are imperfect instruments for the satisfaction of human desires. They are administered by fallible human

beings, who in their ignorance even with the best of intentions often do more harm than good. If, therefore, government is influenced overmuch by the Church, or religion is taught by the State, or either or both of these seek to dictate the teachings of science and philosophy, or to suppress opposition, matters may become wofully mixed and human progress retarded. Inner bonds of unity, and the common basis of a desire for social betterment underlying all of these, are the surest guarantees of harmony, and a policy of mutual toleration will ultimately find its complete justification.

8. Attitude of the State toward ethical ideals.

It is now in order to consider more exactly what should be the attitude of the State toward higher morals, or the ethical ideals that slowly develop in human consciences with rising civilization. Long before the nation as a whole perceives and practises nobler standards, individuals of deeper insight in respect to the principles that underlie human progress accept and teach them, seeking by argument and example to have them become a common possession. Under such circumstances should the State itself indorse such ideals, embody them in legislation, and seek to enforce them as commands binding on all citizens alike? Admitting that the State should by law enforce customary morals in respect to such matters as murder, adultery, embezzlement, or treason, should it also adopt the

principle of human equality, for example, as given us in the Declaration of Independence, and enforce it without distinction of race, color, or sex? Or should it refuse longer to be prepared for war and disband its army and navy? Or insist on the application of the Golden Rule in disputes between labor and capital? Or adopt the ecclesiastical theory of marriage, and repeal divorce laws? Or should it sternly repress all forms of gambling, drinking, sexual vice, and the exploitation of ignorance and childhood in housing and in the industries? Should the policy of the State be idealistic when it legislates in respect to such matters, even though in so doing it tears up by the roots the very foundations of our economic and social system? This question is the debatable part of the relationship existing between ethics and the State, and many replies have been propounded from time to time. Presumably no one would deny that the State as a social institution should favor anything that plainly will build up national welfare, so that the matter really resolves itself into the question whether the adoption and enforcement of such ethical standards would prove socially beneficial or not. Doubtless all would agree that an individual may develop for himself ideals of conduct far in excess of any possibility of actual attainment. Our practices are weakened reproductions of our ideals, which, as a matter of fact, should always be far in advance of us so as to stimulate us to higher attainment. But the same principle is applicable also to society. It likewise

has developed Utopian dreams and ideals of future perfection far in advance of social morals, and the best that can be hoped for is that social practice may slowly approximate toward the social ideal. The State does not, like the Church, fix its attention on a far-distant goal. Its chief function is the protection of life and property, and this involves emphasis on things as they are, not on things as they ought to be. Tolstoy may denounce war as antichristian, the prohibitionist may refer to license fees as "blood money secured at the price of human suffering," and the priest may speak of civil divorce as a license to practise bigamy, but the State realizes that war, drunkenness, and unhappiness in marriage are conditions, not theories, and demand action in harmony with the standards of morality practised by the average citizen. The State adopts the policy of "first aid to the injured," leaving to science and religion suggestions as to the permanent remedies for social defects.

9. *Should the State further ideals?*

May it not, however, be possible for the State to expedite the coming of higher standards of social activity, so as to approximate the sooner to the ideals of higher civilization? Our radicals in the social world have no doubt as to the feasibility of this possibility. As socialists or as anarchists, they propose to revolutionize our ethical system and to place it on a higher level, by the simple device of

completely altering our economic foundations and reorganizing social institutions in harmony with the new basis. The socialist would make the State the significant factor in the change by transferring to it all wealth used as capital and making it responsible for the attainment of social perfection; the anarchist would abolish all coercive government and would rely on the natural goodness of man, the simple life, and voluntary co-operation to bring about social peace and happiness. Whether either or both of these devices would accomplish the desired end, we probably shall never know. Either scheme might be feasible enough, provided one could guarantee social order for a generation or two during the period of transition. But it is not likely that society would within any reasonable number of centuries be able to develop a citizen body morally capable of administering either system, and if it had such a membership, revolutionary changes would not be necessary. For all practical purposes radical revolutionary schemes should be classed as Utopian dreams of social regeneration—suggestive, but not workable.

Others, again, would have the State assume a paternalistic attitude, and, as a father over his children, impose on its ordinary citizens a moral code unsuitable to their present capacity indeed, but such as they should use when they become mature. The wisdom of this policy in child training, as well as in political legislation, has often been seriously questioned, especially from the individualistic point

of view, typified by Herbert Spencer, who argues that the State should confine itself to the bare protection of life and property, and should carefully refrain from attempts to regulate or develop ethical standards which do not directly arise by plain implication from this function. Men, he argues, should be allowed to work toward the satisfaction of their desires, and the State will far more likely do harm than good by interference, *i. e.*, by functioning beyond its proper sphere of protection.

It seems rather obvious that seldom if ever should legislation embody standards far in advance of the practices of a nation. Ideals may be emphasized if only they are but slightly in advance of practices, but no generation should ever incorporate into law an ethical standard to which in its own day it does not expect compliance. Such standards should be advocated and preached, and persons should be persuaded, if possible, to practise them in daily life, but until the average man accepts them as practicable, legislation should not seek to force compliance. In a democracy repression and prohibitions are for the few who violate common morality, not for the many on whose active support laws ultimately depend for force and vigor. If this principle is violated, enforcement of the law breeds evasion and discontent; and if not enforced, gives a false impression and develops contempt for law.

We must remember that the State is not a divine agency authorized to suppress sin and to punish sinners. Many sins are purely personal and not

cognizable by the State, and others by their nature cannot be treated as crimes against social order, because of their wide prevalence and the consequent impossibility of arousing an efficient public opinion for the enforcement of a prohibitory law. Laws that public opinion refuses to enforce are a prolific source of political corruption and blackmail. But yet democracies are unfortunately prone to put such impracticable legislation on the statute book, for every decent man mentally assents to the ideal standard which its vigorous advocates demand should be embodied in legislation, and it seems better to let the provision go on the statute book than by opposing it to seem to be in opposition to a noble ideal. Even a corrupt politician may adopt the same policy, feeling fully assured in his own mind that its enforcement will soon become a dead letter, and that by means of *graft* he may even strengthen his hold on political machinery. One may feel very certain that if in any State some laws are not enforced, it is either because they have become obsolete through changing customs, or they are too ideal for existing conditions of public morality and intelligence. Then too, government unfortunately is a human instrument, legislators are fallible like other mortals, and whenever they venture into the realm of ideal ethics as against conventional morality they are as likely to do as much harm as good. Individuality may be suppressed, false ideals inculcated, and truer teachings condemned as immoral. In the end it may really prove

more immoral from the social standpoint to enforce ideal ethics on a community, the conditions of which are unsuited to that standard, than to overlook evils until public opinion is prepared to enforce a higher standard of morality. On the other hand, it may be argued that men at times fail to understand what really is for their best interests, and that if the State should by experience learn wisdom in interfering, there may well be justification for legislating in respect to men's higher ethical interests. What is needed, therefore, in attempting to show the ethical significance of the State, is a method whereby the State may, if possible, expedite ethical progress, without at the same time putting society, as it were, out of the frying-pan into the fire.

10. The State's best policy toward ethics.

Sociology in these days through its attempt to show things in their relations, begins to indicate the proper relation of the State in respect to higher standards of ethics. Society, through its several institutions, may develop what ideals of social perfection it pleases; family, religion, economic pursuits, art, education, all the social agencies each for itself develops ideals for future attainment. The State as the supreme social agency has interest in all of these standards, and may even feel desirous of promoting them for the sake of the general welfare. But experience seems to show, as already indicated,

that however benevolent in intention the State may be, it is fallible in its judgment, and hence may err in trying to decide whether or not the times are ripe for a forward movement in moral standards. There is, however, one line of policy on which it may embark with full assurance, viz., careful and systematic attention to the bettering of the conditions of social environment. Science teaches us that heredity is chiefly the sum of the effects of past ancestral environment, and that each generation, subject to its heredity, is practically determined by its present environment. Man, however, unlike animals which have little or no intellectual attainment, has through his intellect developed a capacity to modify or transform in some particulars his environment. He can increase the fertility of the soil, domesticate animals for food supplies, stock lakes and seas with fish, and compel nature's forces to do his work. He can dig canals, build railways, tunnel mountains, travel over all the habitable earth, and spread knowledge broadcast by means of the printed page. But after he has wrought these wonderful changes and transformed crude nature into modern civilization, he becomes the creature of all he has made, and is largely determined by his environment. If human beings are reared and live under extreme poverty, like plants in stony soil, their development is dwarfed and stunted, and the idealism of life is unknown; if life is throughout a strenuous struggle against hardship, endurance and sternness will develop, but not the esthetic nor the

spiritual. Freedom from economic hardship, coupled with intellectual, esthetic, and spiritual stimuli, will develop a rounded character, responsive to the higher emotions and vigorous in its demands for the enlargement of life. If, therefore, the State, instead of falsely assuming that its business is to enforce high ethical standards on classes incapable of appreciating or complying with them, should devote itself earnestly to the transformation of the environment within the nation, it would thereby be fulfilling its natural function of safeguarding and developing life and property, and by transforming wretched environment into conditions more suitable for life, it would thereby create a condition that would allow our lowest social classes to rise higher in the ethical scale, and all classes unitedly to move forward.

The great mass of social weakness and depravity is found among the ranks of the ignorant and wretchedly paid part of a population. Not that these are innately worse than others, they are really far better than should be expected under such circumstances, but because conditions of poor sanitation, overcrowding, wretched food, enforced idleness in periods of economic depression, and the general hopelessness of life all help to develop an excessive amount of abnormality that readily tends toward vice and crime.

The State in pursuing such a policy should naturally emphasize three lines of activity. It should vigorously endeavor to foster conditions that will

help to strengthen domestic morality and a home environment; it should seek to develop national intelligence through a continuous improvement in the form and content of education; and it should assiduously build up the economic capacity of its citizens by wise attention to economic civilization. A few words about each of these suggestions may make the statement more clear.

(1) Betterment of the conditions of family life. A vigorous racial stock is a fundamental condition for any policy of national development. But in order to insure this important basis for social improvement, the State must pay more attention to marriage, and to the conditions that environ family life. It is necessary to see to it that children are born from the best possible stock, and not from degenerate and pauperized families. If public opinion could be diverted for a while from discussions of race suicide and divorce, and concentrated on the problem of right marriages, and proper conditions for the housing and training of children, possibly there would be small need to devote further attention to some of the crying evils of modern life. There is sad need for education in respect to the laws of sex, for adequate provision for the prevention and cure of venereal diseases, for a war against them like that so well under way against tuberculosis, and for stern punishment and segregation for sexual perverts.

Children also must be protected against the rapacity of employer and parent by proper regula-

tions in respect to child labor, and the entire question of housing, sanitation, and pure foods is one peculiarily suited to State administration. A persistent and scientific policy, carefully planned and methodically put in operation little by little, would unquestionably be a most effective policy for strengthening the moral stamina of the nation.

(2) Development of national capacity through education. Every individual has within him the capacity to develop far in excess of ordinary attainment. Implicit in the child of the clodhopper, the mill hand, or the day-laborer, is the potentiality of an energetic, intelligent personality that can be called out only by right education. The State, therefore, by constantly improving its educational system and by strengthening those agencies that directly tell on child development, is thereby building up the capacity of its citizens and thus rendering them more capable of higher ethical practices and standards. It is coming to be admitted that the expense of education wisely devised and imparted is the most productive ethical investment the State can make.

Again, in order that education be real, and not the beggarly rudiments of the three R's, the State must promote knowledge and its dissemination by means of libraries, museums, and higher education of all sorts, open to the poor as well as to the rich. It should also furnish facilities for a rounded education by training all children in the use of tools and in the general principles of industry, in addition

to the bookish and cultural knowledge of our present one-sided system of education. In other words, the State should seek to develop the lives of its citizens by focusing about them during their period of development into maturity the best knowledge and wisdom of the age, and by surrounding them with incentives to physical and mental power and keener insight into the ethical and spiritual significance of life. Moreover, we in the United States have admitted within our boundaries vast multitudes of aliens of lower civilization than our own, and these by remaining among us add confusion to an already complex problem. Yet all investigation shows, such for example as The Pittsburgh Survey published in "Charities,"[1] that urban conditions react terribly against them and drive many into vice and misery. A proper educational policy, therefore, would take account of such conditions, and by means of special classes and schools would endeavor to Americanize and humanize in the highest and best sense of the word these masses of humanity, whose descendants will make or mar the localities in which they live.

(3) Development of material civilization. The State also should help to find an outlet for social energy by directing it toward the problems of an environment still partly adverse to human progress. Through science the soil can be made more productive, waste lands brought into cultivation, natural power developed, natural resources conserved by

[1] Issues January 2, February 6, March, 1909.

forethought, the waste of business competition eliminated, political and educational systems improved, and religious truths made clear and convincing. The possibilities in respect to the improvement of our natural and social environment are well-nigh infinite; every movement forward and upward allows men to expand to a higher plane of living, and the State by furthering science and invention thereby aids in ethical and religious development.

11. Wisdom of such a policy.

In following out this line of policy the State would be in full harmony with the teachings of the age. The State is not primarily the agency through which religion and ethics are to be developed and taught. It is after all chiefly concerned with material civilization. Its fundamental business is to see to it that the nation is made up of virile personalities powerful in body and brain, and then to act as a joint agent for its citizens in the protection of life and property. In performing its function it must aim to build up the health and wealth of its citizens, and for this purpose must develop an educational system largely scientific and practical in kind, emphasizing conventional morals and refusing to act as the agent for any specific form of religious teaching or ethical theory. By devoting itself in this manner to the material aspects of civilization, it in reality accomplishes most for the upbuilding of cultural and spiritual civilization. A vigorous and

wealthy nation in touch with science and in constant communication with all parts of the world through commerce and travel, easily develops strong individualities whose minds devote themselves to the puzzling problems of ethics and religion, and who gradually work out truer principles for religious faith, and broader bases for ethical standards. History plainly teaches that whenever national material conditions are good, knowledge accessible to the masses, and speech and thought free, there has been no lack of persons of talent and genius who build up through private agencies the esthetic, ethical, and spiritual interest of their race. Their theories and teachings may not agree in detail nor in point of view, but the State should act merely as an impartial arbiter, encouraging rather than suppressing the free expression of differences of opinion, and by emphasis on freedom of organization and thought, stimulating men and women to suggest improvements in the direction of higher civilization. Above all, should the State avoid the error of assuming the perfection of its own organization or of existing civilization. Governmental machinery and social institutions should be flexible and open to constant improvement. No State should object to criticism, and in place of imprisoning its critics, might better honor with rewards any who can suggest a practicable improvement in law or procedure. No person or institution is so perfect as to be able to dispense with intelligent criticism. There is an immense amount of latent mental and ethical energy

lying dormant in every nation because there is on the whole only a small demand for spiritual or moral development. While most men theoretically believe in progress, they in practice tend to identify perfection with what they have already attained, and regularly oppose every upward movement as heretical and immoral. Obviously, therefore, the State should neither be too closely identified with existing conditions nor too easily induced to experiment in fundamental changes, but should, as already explained, devote itself primarily to the building up of health, wealth, and education, should grant full liberty of thought and speech, and should itself have an open mind and be prepared to incorporate improvements into law and governmental organization, as rapidly as public opinion becomes convinced of the social utility of newer discoveries and teachings.

12. Ethics may be developed indirectly.

It may perhaps be well to show more clearly why men hold in social theories that if the State should emphasize vigorously a policy for the upbuilding of health, wealth, and education, it would thereby exert indirectly a most significant influence on ethics and religion. Just as an individual may sin against a religious code and suffer ecclesiastical condemnation, or against a legal code and suffer the penalty of the law, so there are in social life normal standards which, when violated, result in social sin, with their inevitable evil consequences. Drunken-

ness, sexual immorality, crime, pauperism, and disease are chiefly artificial, and are the social consequences of a defective civilization. Society sins when it allows exploitation of man by man, or a large per cent. of its citizenship to live at a standard of bare subsistence, or leaves the nation in such ignorance that the people know neither how to ward off disease, nor to become skilled in industry, nor to adapt themselves to an urban civilization. These sins of society are preventable, and the cost of prevention is far less than the cost of cure. It is very much cheaper and easier to prevent sickness than to pay doctors' bills, funeral expenses, and the demands of charity. It is far easier to reduce the demand for liquors and drugs as stimulants, than to pay the bills of drunkenness, crime, pauperism, and legal enforcements of liquor laws. By far the larger half of legal crimes could be wiped out if criminal procedure were improved and educational methods for misdemeanants substituted for the jail. No civilized country should be cursed with a large per cent. of illiterate and unskilled population. All labor should be intelligent and every person skilled in some form of industry, even the children of the wealthy. Let the State, therefore, devote itself wisely and judiciously to the development of the physical health of its citizens by removing conditions that breed degeneracy and disease; let it by science, invention, and carefully framed laws, build up its wealth on democratic lines, warring against all forms of exploitation; and let it through

an education founded on carefully tested psychological theories impart to the citizen body a knowledge of personal hygiene, social sanitation, and a proper training in information needful for industrial and social life. Should it do so, the State would be performing its natural functions in a most acceptable manner, and would thereby so modify the social conditions of life that ethical and religious institutions would with ease exalt the ideals of life and develop a spiritual civilization such as heretofore society has imagined only in Utopian form. Wiser parents practise such a policy in behalf of their own offspring. By proper medical care and nourishing food, by healthful and stimulating companionship, and by careful attention to the entire process of education, they strive to prepare an environment in which the natural capacities of the child can expand into a character able to maintain and add to the honor and reputation of the family. In the same way the State, by devoting itself assiduously to the development of an environment able to call out the best within the racial stock, will reap its reward in the moral earnestness and intelligent capacity of its citizens.

13. Relation of the United States of America to religion.

In conclusion, what then can be said in respect to the ethical and religious significance of the State? The State as the chief agency through which

society acts is deeply interested in the broadest and highest development of its citizens; it would have them deeply ethical in practice, following the Golden Rule, and widening the scope of human kinship so as to include all mankind in its kinship. It would have all persons religious in the highest and best sense of the word, not devoted to form, or letter, or dogma, but striving from the heart and mind to comprehend the meaning of human life and its relationship to what may lie beyond. Yet the State, as such, is not the agent of any particular school of ethical idealism, nor should it be identified with any special form of religious worship. Even in the United States of America the State should be neither Christian, Jewish, nor any other form. It has under its sovereignty Protestant, Catholic, Jewish, Mohammedan, heathen, agnostic, and atheist. It may take into account the fact that the great mass of its population is Christian, but even then it is neither Catholic nor Protestant, neither liberal nor evangelical, and for all purposes makes no distinction between a Baptist, a Unitarian, a Christian Scientist, or an advocate of "new thought." As a State it should be calmly indifferent to all variations, treating all with entire impartiality, throwing open to all its offices, its courts, and its protection, and granting to all full and complete freedom to advocate their views and to practise their doctrines, provided these are not against the peace and good morals of the nation. The State properly should know no religion. It is only as a factor in

the moral life of the community that a religion should receive any legal recognition. We may call the State Christian in the sense that most of its citizens hold to that form of faith, and in the same manner we may speak of it as a Protestant State seeing that the larger part of the population are identified with that branch of Christianity; but in the same way we may refer to the Catholic island of Porto Rico or the Catholic State of Rhode Island, since the majority of the population in these localities is of that form of Christian belief. Yet this is merely a popular way of speaking, without legal basis. Our constitutions, State and national, with slight exceptions, while admitting the dominance of a monotheistic form of religious faith, expressly provide for the full freedom and equality of all religions, and guard against the subsidizing of the Church by the State, or requirements of religious qualifications as a basis for political rights. This can readily be seen by a careful study of our constitutions.

14. Constitutional provisions concerning religion.

The national Constitution, for example, contains two statements only in respect to the relation of Church and State. These are contained in the last clause of Article VI and in the first amendment, and forbid Congress to make any "law respecting an establishment of religion, or prohibiting the free exercise thereof," or to require any religious test

" as a qualification to any office or public trust under the United States." As these are restrictions on the Federal government only, it is entirely competent therefore for the States of the Union to provide for a religious establishment, and to require religious tests as a qualification for office under State government. As a matter of fact all the States have practically adopted the principle of the national constitution by inserting in their constitutions guarantees of religious freedom, with the proviso that liberty of conscience shall not be construed so as to excuse acts of licentiousness, nor to justify practices inconsistent with the peace and safety of the State. In the same manner, though with slight exceptions, no person's civil and political rights can be refused him because of his religious views, so that under these guarantees there is a clear separation between Church and State by express provision in national and State constitutions. About half of the State constitutions make the separation still more emphatic by forbidding appropriations in aid of sectarian institutions organized for educational or benevolent purposes, and several expressly prohibit the teachings of sectarian doctrines in public schools, or the requirement of religious tests for scholar or teacher.

On the other hand, forty-one of the States in their constitutions formally acknowledge in substance the existence of God and their dependence on him, and eight States require religious tests as a qualification for office. These tests, which were derived

from the old common law of England, are now practically obsolete, yet show that States in the past used to assume that religious belief was essential to fidelity in public office. Four of the States only refer to Christianity as the religion of the people, and but one of these, New Hampshire, mentions Protestantism.[1]

Such being the constitutional law in the United States, one may readily see that both State and nation guarantee freedom of religious belief and require separation of Church and State, and that nearly all the States acknowledge a spiritual allegiance to God, and that a few expressly assume the prevalence of a Christian faith within their borders.

15. Necessity of mutual toleration.

We are, therefore, in the main a nation acknowledging a belief in God, and by profession are chiefly Protestant and evangelical, but by law we have deliberately separated the Church from the State, not because of antagonism to the Church, but out of regard for its best interests. We make all forms of religion equal before the law, giving all a fair field and no favor, and are willing to let the best ultimately win. We, as individuals, may have our opinions as to which religious body will in process of time absorb the others, but no man can prophesy the outcome. There is a struggle for survival, and

[1] For a fuller statement of constitutional provisions in respect to religion, see "Our State Constitutions." March, 1907. Annals. Philadelphia. By the author.

the body that most truly interprets the inner meaning of life in its largest sense will finally conquer. For this reason our churches should themselves understand that they have obligations as well as rights. Each should contend fairly with the others, and not seek to get financial aid or moral support from the State for itself, nor to force its dogmas by law on adherents of other faiths, nor to insist on requirements for political office out of harmony with the principle of freedom; but, rather, each should seek to maintain even against temporary interest the separation of Church and State, relying on the truth and inherent reasonableness of its teachings to win for it that support it deserves.

The same line of argument in a general way applies in the world of ethical theories. We have many schemes in advocacy of social reform, affecting practically all the institutions of life, and typified by such movements as trades-unionism, single tax, socialism, and anarchism. If an advocate for reform in his zeal for the millennium so far forgets himself as to advocate crime or to commit crime, he should be treated in the usual method under the law, but the State should allow full and complete discussion of all such theories. They are only dangerous if taken too seriously and attempts made to suppress, for nothing is so destructive of *cranky* reforms as publicity and laughter. Erratic reformers are always well intentioned, but through ignorance are misguided. Harsh treatment confirms them in their opinions and makes martyrs of them.

Imprisoned anarchists become persecuted heroes, but Dowie's descent on New York for its conversion withered away before the humorous pencils of journalistic writers in the daily press. In any case society has much to gain from a free discussion of the evils in social life and organization and possible improvements. Radical criticisms of an existing system call attention to defects that might otherwise escape notice, and the wildest reformer may deserve thanks for his destructive argument, even when his constructive policy is dropping into the waste-basket. Reform movements, therefore, should grasp the notion that the State, as such, is neither for nor against them, but as a judge sits impartially to hear conflicting testimony, and gives the assurance that an argument convincing to court and jury will ultimately get the decision. A democratic form of government allows such a policy, and in a democracy, therefore, where the voice of public opinion has weight and power, toleration, moderation, and freedom should mark the relations of State, Church, and moral institutions since each is deeply concerned in the success of the others. Though different in organization and function they unite in a policy of freedom, in order that ultimately the nation may be made stronger and happier through increase in material and spiritual civilization.

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